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**Sent:** Wednesday, August 24, 2011 4:10 PM

**To:** Baldwin, John [DOC]; Hier, Brad [DOC]; Prell, Lettie [DOC]; Scaletta, Fred [DOC]

**Cc:** Acton, Jennifer [LEGIS]; Lenstra, Beth [LEGIS]; Engel, Catherine [LEGIS]; Freil, Amanda [LEGIS]

**Subject:** interim committee study

Please respond to the following questions by September 2 –

1. How many offenders are currently in prison that may qualify for medical parole under the terms of SF 2278? I think these offenders could be released under current law through the commutations process? I think these offenders would be those who are medically incapacitated to the point that they are no longer dangerous to society or capable of committing crimes. I could be wrong, but I assume there must be some offenders that fit the criteria – given there are hospices in the prison system.

Estimates are a “moving target” and subject to constant change. There currently appear to be about 14 offenders (including 5 lifers) who might qualify for a review for purposes of medical parole. However, because this population is in constant flux, it might be better to estimate that between 9 and 19 offenders at any given time might qualify for possible review for medical parole.

2. How many civilians are housed in the prison system by category? (eg, NGRI, trial stopped pending assessment, sex offenders with no place to go, sent by DHS due to being mentally ill and violent, and any other categories you deem appropriate).

See our response to #6 below for a breakdown of the 21 patients currently in the forensic psychiatric hospital. In addition there are 17 people at Newton awaiting civil commitment-sex offender proceedings.

3. Where are all these civilians housed? Forensic psychiatric hospital patients are housed at Oakdale. Those awaiting civil commitment-sex offender proceedings are housed at Newton separately from the offender population.

4. Is Iowa the only state in the country that has its forensic hospital in the prison system? We think so. When the Iowa Department of Corrections was created, it was separated from the Iowa Department of Social Services and because the forensic hospital was located at the Iowa Security Medical Facility (now the Iowa Medical & Classification Center) it came with us, rather than being retained by DSS (now the Iowa Department of Human Services).

5. Where do other states usually house their forensic hospital?

It appears the majority of these are state hospitals run by departments similar to the Iowa Department of Human Services (Arkansas, Colorado, Florida, Illinois, Indiana, Kansas, Minnesota, Nebraska, New Jersey, North Dakota, Pennsylvania, South Dakota, Utah, Wisconsin). Others are run by health services departments (Arizona, Michigan, Oregon) or separate departments of mental health (Alabama, California, New York and Texas).

6. Provide a brief description of the services provided by the forensic hospital – including but not limited to legal status of patients, type of services required, number of beds in use, description of each of the living units, are there any vacant beds held vacant due to staff shortage? And any other information you deem pertinent.

The IMCC Forensic Psychiatric Hospital is a separate unit within the IDOC institution that has a separate hospital license with the state of Iowa and is required to abide by the laws as defined in the Code of Iowa. This unit serves as the State of Iowa's Forensic Psychiatric Hospital for persons displaying evidence of mental illness and are being referred by the courts for diagnostic services and/or treatment. The three types of evaluations that are conducted are 812.3 Competency Evaluation, 812.6 Restoration, and 701.4 Insanity Evaluation. This unit also holds those offenders who are civilly committed, completed their sentencing and are awaiting appropriate placement. It is currently is a licensed hospital with an official capacity of 50 medical beds, but due to operational and safety reasons we can admit not more than 28 to 29 patients. There are currently 21 currently occupied: 9 patients are being evaluated for competency to stand trial, 6 patients are there for restoration, 5 patients are under civil commitment and are awaiting placement (some have been waiting > 5 yrs.), one is being evaluated for an insanity plea and two are being housed that have been found not guilty by reason of insanity but there is no place to house these individuals currently.